

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE BURLINGTON INSURANCE COMPANY,

Plaintiff,

-against-

20 **CIVIL** 10381 (JGLC)(SDA)

JUDGMENT

PCGNY CORP., SKYLINE RESTORATION INC.,
AFFILIATED FM INSURANCE COMPANY, as
subrogee of DAYTON BEACH PARK NO.1
CORP., AMERICAN EMPIRE SURPLUS LINES
INSURANCE COMPANY, and NAVIGATORS
INSURANCE COMPANY,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memo Endorsed dated October 16, 2024, and the Court's Opinion and Order dated September 16, 2024, Judge Aaron's Report and Recommendation is ADOPTED in its entirety. The Court enters a declaration that Burlington (1) has no duty to defend and/or indemnify PCGNY and/or Skyline under its Policies in connection with the claims in the Underlying Action, (2) is permitted to withdraw from the defense it is currently providing PCGNY in the Underlying Action under one of its policies, and (3) has no duty to reimburse Affiliated for the sums incurred by it in connection with the Underlying Action. Burlington's motion for summary judgment declaring that it is entitled to reimbursement of all costs expended in providing a defense to PCGNY in the Underlying Action is DENIED without prejudice. The Court also GRANTS AESLIC and Navigators' motion for summary judgment and dismisses all claims against them. Finally, the Court DENIES Affiliated's motion. Accordingly, the case is closed.

Dated: New York, New York

October 17, 2024

DANIEL ORTIZ
Acting Clerk of Court

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

BY:

Deputy Clerk